

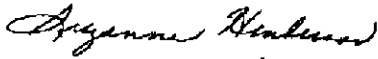
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Official Public Records

Tarrant County Texas

2009 Jun 12 02:14 PM

Fee: \$ 24.00

**D209157354**

Fort Worth, Texas  
 525 Alta Mere Drive  
 L/C: 042-2745  
 File #43881

Suzanne Henderson

Submitter: ACS INC Prepared by: <sup>3</sup>Patricia Slattery  
 After recording return to: Patti Scudero  
 McDonald's USA, LLC  
 One McDonald's Plaza  
 Oak Brook, Illinois 60523

08R01265 (NDS)

**SUPPLEMENT TO LEASE**

This agreement is dated January 29, 2009 ("Agreement") and supplements the Ground Lease dated September 7, 2007 as amended by First Amendment to Lease dated February 27, 2008, Second Amendment to Lease dated April 29, 2008, Agreement Amending Lease dated April 30, 2008, Fourth Amendment to Lease dated August 1, 2008 and Fifth Amendment to Lease dated January 8, 2009 (collectively, the "Lease") between **MARGAUX WESTOVER PARTNERS, LTD.**, a Texas limited partnership ("Landlord"), whose address is 14900 Landmark Boulevard, Suite 610, Dallas, Texas 75254, and **MCDONALD'S USA, LLC**, a Delaware limited liability company ("Tenant") whose address is One McDonald's Plaza, Oak Brook, Illinois 60523, for the premises described on Exhibit A.

Pursuant to the terms and conditions contained in the Lease, this Agreement is executed to affirm the following facts:

1. The commencement date of the term of the Lease is September 7, 2007.
2. The commencement date of the rent is December 2, 2008.
3. The commencement date of Tenant's obligation to pay real estate taxes is December 2, 2008.
4. The date upon which the original term of the Lease will expire is December 17, 2028.

The Lease, as supplemented by this Agreement, is ratified and confirmed by Landlord and Tenant.

**LANDLORD:****MARGAUX WESTOVER PARTNERS, LTD.**,

a Texas limited partnership

By: MDC Westover, Inc.,

a Texas corporation, its general partner

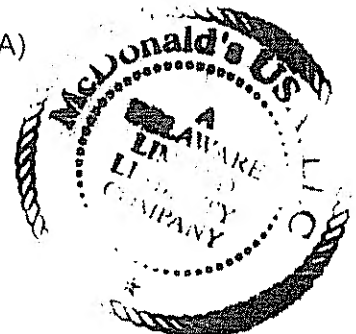
By: Its: **TENANT:****MCDONALD'S USA, LLC,**

a Delaware limited liability company

By: Its: Catherine A. Griffin

Vice-President

(Attach all Acknowledgment Certificates and Exhibit A)



**McDonald's USA, LLC  
(ACKNOWLEDGMENT)**

STATE OF ILLINOIS

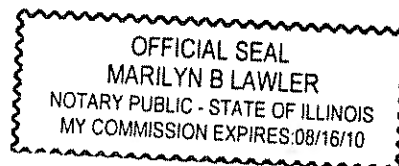
SS:

COUNTY OF DuPAGE

I, **Marilyn B. Lawler**, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that **Catherine A. Griffin, Vice-President**, of **McDonald's USA, LLC, a Delaware corporation**, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such **Catherine A. Griffin**, appeared before me this day in person and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act as **Vice-President** and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 14<sup>th</sup> day of April 2009.

  
Marilyn B. Lawler, Notary Public



My commission expires: August 16, 2010

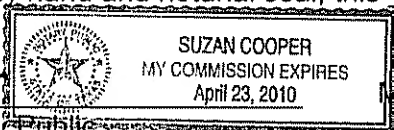
**ACKNOWLEDGMENT - CORPORATE**

STATE OF Texas )  
COUNTY OF Dallas ) SS:

I, Suzan Cooper, a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Donald C. Silberman, \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, a(n) \_\_\_\_\_ who reside at \_\_\_\_\_, who are personally known to me to be the persons whose names are subscribed to the foregoing instrument as such \_\_\_\_\_ and \_\_\_\_\_, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act as such President and Secretary respectively and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 20<sup>th</sup> day of April, 2009.

  
Notary Public



My commission expires: 4-23-10

## Exhibit A

BEING a 1.140 acre tract of land situated in the J. Collett Survey, Abstract No. 262, Tarrant County, Texas, and being a portion of a tract of land conveyed to Morgaux Westover Partners, LTD. recorded as Document No. D205224619 of the Deed Records of Tarrant County, Texas (DRTCT), and being a portion of Lot 1 & Lot 2, Block 3 of Westover Village, an addition to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 12127 of the Plat Records of Tarrant County, Texas (PRTCT), and being more particularly described as follows:

BEGINNING at a 5/8 Inch Iron rod set for the most westerly corner of said Lot 1 and being located at the intersection of the northeasterly right-of-way line of Mouton Lane (a 31' right-of-way) with the southeasterly line of a tract of land conveyed to Pride Companies, L.P. recorded in Volume 9906, Page 565 (DRTCT) and now known as Alon USA Pipeline recorded in Volume 15462, Page 76 (DRTCT);

THENCE along the southeasterly line of said Alon USA Pipeline tract NORTH 40°58'12" EAST, a distance of 176.00 feet to a 5/8 inch iron rod set for corner and being South 40°58'12" West, a distance of 4.17 feet from the the most northerly corner of said Lot 1 and being the most westerly corner of Lot 2 of said Block 3 of Westover Village;

THENCE in a southerly and easterly direction as follows:

SOUTH 49°01'48" EAST, a distance of 107.65 feet to a 5/8 inch iron rod set for corner;

NORTH 40°58'12" EAST, a distance of 40.50 feet to a 5/8 inch iron rod set for corner;

SOUTH 49°01'48" EAST, a distance of 84.35 feet to a 5/8 inch iron rod set for corner;

SOUTH 10°57'53" WEST, a distance of 41.95 feet to a 5/8 inch iron rod set for corner in the northeasterly line of said Lot 1 and the southwesterly line of said Lot 2;

SOUTH 49°01'48" EAST, along the common line of said Lots 1 and 2, a distance of 47.02 feet to a 5/8 inch iron rod set for the most easterly corner of said Lot 1 and being the most southerly corner of said Lot 2 and being located in the northwesterly right-of-way line of Lot 1, Block 5 of said Westover Village, and being called Sherry Lane (a variable width private drive) (30' wide at this point);

THENCE along the northwest right-of-way line of said Sherry Lane (Lot 1, Block 5) SOUTH 40°58'12" WEST, a distance of 160.17 feet to a 5/8 inch iron rod set for corner at the most easterly corner of a corner cut off line;

THENCE along said corner cut off line SOUTH 85°58'12" WEST, a distance of 28.28 feet to a 5/8 inch iron rod set for the most westerly corner of said corner cut off line and being located in the northeasterly right-of-way line of said Mouton Lane;

THENCE along the northeasterly right-of-way line of said Mouton Lane NORTH 49°01'48" WEST, a distance of 240.00 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 1.140 acres or 49,641 square feet of land more or less as according to that survey prepared by A.J. Bedford Group, Inc.